

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JUDY E. JONES,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security Administration

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 1:11-cv-598

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Plaintiff Judy E. Jones filed suit under 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of the Social Security Administration's denial of Disability Insurance Benefits and Supplemental Security Income. The case was referred to United States Magistrate Judge Keith Giblin for determination of non-dispositive pretrial matters pursuant to 28 U.S.C. § 636.

Judge Giblin entered a Report and Recommendation on April 29, 2013, recommending that because Plaintiff has failed to demonstrate that the Commissioner did not apply proper principles of law or that the Commissioner's determination lacks the support of substantial evidence, the Commissioner's decision be affirmed and the case dismissed. Doc. # 16. Plaintiff has filed objections, which primarily center around the argument that the magistrate judge erred by engaging in impermissible *post hoc* justification of the ALJ's conclusions and inaccurately recited the facts on several occasions. Doc. # 17.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge's report and recommendation, Plaintiff's

objections, and the record as a whole, and concludes that Plaintiff's objections are without merit. Contrary to Plaintiff's assertions, the magistrate judge looked to the record—which was before the ALJ—and determined that substantial evidence exists in the record to support the ALJ's decision to reject, or afford little weight to, the opinions of some of Plaintiff's medical providers. Any inaccuracies Plaintiff points to in the magistrate judge's opinion are nothing more than her assertion, rejected by the ALJ and the magistrate judge, that certain medical opinions should have been given more weight than they were. The magistrate judge fully explained his conclusions in the report and recommendation, and the court finds Plaintiff's objections to be without merit.

IT IS THEREFORE ORDERED that Plaintiff Judy E. Jones' objections [Doc. # 17] are OVERRULED. The magistrate judge's findings of fact and conclusions of law are correct. The Report and Recommendation [Doc. # 16] is ADOPTED and the Commissioner's decision is AFFIRMED. Final Judgment will be entered by separate order.

So **ORDERED** and **SIGNED** this **14** day of **June, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge